

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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)  
United States of America, ) File No. 21-cr-108(1)  
) (PAM/TNL)  
Plaintiff, )  
)  
v. )  
)  
Derek Michael Chauvin, ) Courtroom 7D  
) St. Paul, Minnesota  
Defendant. ) Monday, December 15, 2021  
) 9:00 a.m.  
)  
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BEFORE THE HONORABLE PAUL A. MAGNUSON  
UNITED STATES DISTRICT COURT SENIOR JUDGE

**(CHANGE OF PLEA HEARING)**

Proceedings recorded by mechanical stenography;  
transcript produced by computer.

APPEARANCES:

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**P R O C E E D I N G S**

**IN OPEN COURT**

THE COURT: Good morning, everyone.

As we start today, let me remind you that eight days after Pearl Harbor, President Roosevelt declared December 15 to be the Bill of Rights day.

We're here today discussing matters involving the Bill of Rights, but in addition to that, I think the very foundation of our system. And I commend everyone to just periodically read through the Bill of Rights, quite a remarkable document, and it's extremely important that they hold forth throughout the life of this country.

Okay. With that, we have the matter of the United States versus Chauvin.

With the COVID protocol involved, I'm going to ask that people remain masked unless you are speaking. If you are going to be speaking, please remove your mask because, quite frankly, I can't understand people when you've got the masks on.

Secondly, while it's normal and natural for people to come to the center podium in a federal court, with the COVID matter, feel free to remain seated and you may respond from being seated, probably with the exception of counsel appearances, that we may ask that you stand and state your appearance.

1           Let's talk a little bit about our agenda this  
2 morning because, well, to the counsel in the room, this is a  
3 routine appearance to many people who are not aware of it.

4           We will start out by having counsel note their  
5 appearances. We will then have the defendant sworn. I'll  
6 be asking that the plea agreement be summarized for the  
7 record and be duly executed, to be followed by a reading of  
8 the information, or waiver thereof, and the waiver of  
9 indictment, if that's applicable.

10          We'll talk a little bit, then, about the maximum  
11 terms, spend some time on the constitutional rights of the  
12 defendant, and finally that will lead us to where the  
13 questions relating to the plea will be offered.

14          After that, I will ask Mr. Slaughter to cover the  
15 essential elements of the matter involved. And at the  
16 conclusion of that, the court will then be ordering a  
17 presentence report and that will essentially close our  
18 session today.

19          So with that, counsel, if you would please note  
20 your appearances in the matter, Mr. Slaughter.

21          MR. SLAUGHTER: Good morning, Your Honor. Allen  
22 Slaughter for the United States. I'm here with Government  
23 Counsels Trepel, Bell, and Sertich.

24          THE COURT: Excuse me. I'm going to ask you to go  
25 much slower.

1 MR. SLAUGHTER: I'm sorry, Your Honor.

2 THE COURT: And whoever is appearing for the  
3 government, if you would please stand.

4 MR. SLAUGHTER: I apologize, Your Honor. I'm here  
5 on behalf of the United States, Allen Slaughter for the  
6 United States. Your Honor, would you like us to introduce  
7 ourselves separately?

8 THE COURT: You can do it. You know them.

9 MR. SLAUGHTER: I'm here on behalf of Government  
10 Counsels Trepel, Sertich, and Bell, as well as FBI Special  
11 Agent Blake Hostetter.

12 THE COURT: Very well. Thank you. And that's the  
13 extent of the appearances on behalf of the government?

14 MR. SLAUGHTER: Yes, Your Honor.

15 THE COURT: Okay. Thank you.

16 Mr. Nelson?

17 MR. NELSON: Thank you very much, Your Honor.  
18 Eric Nelson appearing on behalf of the defendant, Derek  
19 Michael Chauvin, who appears personally in custody to my  
20 left.

21 THE COURT: Okay. Thank you very much.

22 Okay. With that, Mr. Chauvin, if you would raise  
23 your right hand to be sworn, please.

24 You do solemnly swear the testimony you shall give  
25 in the matter before the court shall be the truth, the whole

1 truth, and nothing but the truth, so help you God?

2 THE DEFENDANT: I do.

3 THE COURT: Thank you.

4 And with that, then, Mr. Slaughter, would you be  
5 kind enough to summarize the plea agreement in this matter;  
6 and if it has been executed, submit it to the court.

7 MR. SLAUGHTER: Yes, Your Honor.

8 The document at issue is entitled Plea Agreement  
9 and Sentencing Stipulations.

10 We detail at paragraph 1, a paragraph entitled  
11 Charges, that we anticipate the defendant will agree and  
12 will be pleading guilty to Count 1 of the indictment as well  
13 as Count 1 of the information. The court has referred to  
14 the information as well. It was filed this morning. Both  
15 of those counts charge the defendant with deprivation of  
16 rights, in violation of federal law.

17 We also detail it's the defendant's expectation  
18 that, as part of this agreement, he will serve his sentence  
19 of imprisonment in federal custody and that at the time of  
20 sentencing the government agrees to move to dismiss, as to  
21 Mr. Chauvin, Count 3 of the indictment in this matter as  
22 well as Counts 1 and 2 of a separate indictment alleged at  
23 21-cr-109.

24 Paragraph 2 on page 2 is the factual basis. I  
25 know His Honor has already indicated we will be waiting with

1       that. That goes on for a number of pages.

2               Going to page 8, paragraph 3, we detail the waiver  
3       of pretrial motions, that the defendant is knowingly,  
4       willingly, and voluntarily giving up the right to have  
5       pending motions resolved, to file any additional pretrial  
6       motions, as well as to withdraw any motions previously  
7       filed.

8               Paragraph 4 identifies additional consequences as  
9       a result of the conviction -- or convictions.

10              Paragraph 5 is a description of waiver of  
11       constitutional trial rights. I know His Honor already  
12       discussed that we'll be going through those separately.

13              Paragraph 6 on page 10 is entitled Statutory  
14       Penalties, and it details the different potential statutory  
15       penalties for both Count 1 of the indictment and Count 1 of  
16       the information.

17              Going on to page 11, page -- paragraph 7 is  
18       entitled Revocation of Supervised Release. It discusses  
19       that if there were a violation of any condition of  
20       supervised release, there could be an additional term of  
21       imprisonment.

22              Paragraph 8 is entitled Guideline Calculations,  
23       Your Honor. And here we detail the parties' acknowledgement  
24       that the defendant will be sentenced in accordance with both  
25       the statute as well as the guidelines and then we provide a

1 number of stipulations, our beliefs as to the guidelines  
2 themselves.

3 First we address Count 1 of the indictment. We  
4 identify the underlying offense as second-degree murder and  
5 the base offense level of 38. We identify one specific  
6 offense characteristic, one Chapter 3 adjustment.

7 We go on to Count 1 of the information. We also  
8 identify a separate underlying offense, the aggravated  
9 assault, a base offense level of 14. We go on to three  
10 separate specific offense characteristics, a Chapter 3  
11 adjustment.

12 We do, however, go on to other adjustments and we  
13 address the need to have a combined offense level or the  
14 considerations that are a part of the guidelines. We  
15 believe that these two counts of conviction will not be  
16 grouped, resulting in an offense level of 46.

17 With a three-level reduction for acceptance of  
18 responsibility, the parties believe that there will be a  
19 final adjusted offense level of 43.

20 We go on to identify our beliefs that the  
21 defendant's criminal history category will be I. We  
22 identify that it's not a stipulation and that an actual  
23 criminal history determination will be made by the court  
24 after a presentence report.

25 With those considerations, we have a paragraph



1 that's entitled Guideline Range. If the defendant's  
2 adjusted offense level is 43 and his criminal history is I,  
3 the advisory guideline range is life imprisonment.

4 We go on to a number of other guideline  
5 considerations, Your Honor, a fine range of 50,000 to  
6 500,000 dollars, a supervised release term -- or terms, two  
7 to five years, excuse me, for Count 1 of the indictment and  
8 one to three years for Count 1 of the information.

9 We go on in paragraph 9, a paragraph entitled  
10 Discretion of the Court, and we acknowledge that these  
11 stipulations are binding on ourselves, the parties, but not  
12 the court, at least these foregoing stipulations. We also  
13 acknowledge that the guidelines are advisory and that they  
14 are solely within the court's discretion. The court will  
15 make its own determination regarding the guideline factors  
16 and criminal history category. We also note that if those  
17 determinations are different, that the parties may not  
18 withdraw from the agreement.

19 We also in paragraph 10, Your Honor, which is  
20 entitled Stipulated Term of Imprisonment and Supervised  
21 Release, we describe here that the United States and  
22 the defendant agree, pursuant to Criminal Rule of  
23 Procedure 11(c)(1)(C), four discrete items, and they are  
24 identified in subparagraphs 10(a) through 10(d).

25 First, that the court should impose a sentence of

1 imprisonment of no less than 240 months, no greater than  
2 300 months.

3 Second, at 10(b), the court should impose a  
4 five-year term of supervised release.

5 At 10(c), that the court should order the sentence  
6 of imprisonment imposed in this case to be served concurrent  
7 to the defendant's present extant state conviction and  
8 sentence.

9 And then ultimately, the last, at 10(d), that the  
10 court should adjust the sentence for any period of  
11 imprisonment that he's already served as part of his state  
12 imprisonment.

13 We also detail in particular, with regard to this  
14 11(c)(1)(C) set of circumstances, that if the plea is  
15 accepted by the court, those specific paragraphs would bind  
16 the court.

17 We also agree to advocate for a sentence as set  
18 forth in paragraphs 10(a) through 10(d).

19 We also identify that the government intends to  
20 advocate for a sentence of 300 months.

21 We go on to acknowledge and agree that this  
22 stipulation -- set of stipulations is limited to just those  
23 issues and that this stipulation has no effect on the  
24 court's authority and discretion as to several other  
25 considerations regarding sentencing.

1           THE COURT: Mr. Slaughter, there is a factor that  
2           was involved in this paragraph 10 that was skipped over that  
3           I think -- as I understand it, these sentences take into  
4           consideration the fact that if the sentence is 20 years, in  
5           federal parlance that means about 90 percent of the sentence  
6           is served. In state court, if a sentence is 20 years, it's  
7           anticipated that two-thirds of that sentence would be  
8           served. Am I correct about that and that assumption within  
9           this paragraph?

10           MR. SLAUGHTER: That is built into this, yes, that  
11           is the assumption, that there will be a greater term  
12           executed as part of a federal disposition and as a part of  
13           the contemplation of this set of plea circumstances.

14           THE COURT: Okay. Thank you.

15           MR. SLAUGHTER: We also detail at the end of this  
16           particular paragraph, Your Honor, that if the court declines  
17           to accept this plea agreement and the agreed disposition set  
18           out in those subparagraphs, either party could withdraw from  
19           the agreement itself.

20           Paragraph 11 is entitled Special Assessments, Your  
21           Honor, that there's a \$100 amount for each one of the two  
22           counts.

23           Paragraph 12 is entitled Restitution, that the  
24           defendant understands and agrees to pay restitution in an  
25           amount to be determined by the court at sentencing, and

1       there is no agreement as to that amount at this point.

2               Paragraph 13 is entitled No Contact. The  
3       defendant is agreeing to continue to have no contact,  
4       directly or indirectly, with the victims of his crimes,  
5       including Juvenile 1 or the estate or family of George Perry  
6       Floyd, Jr. That's while he's in custody or during  
7       supervised release.

8               Paragraph 14 is entitled No Law Enforcement  
9       Employment. The defendant is agreeing and understands that  
10      he'll never be eligible to work in any law enforcement  
11      capacity, even once he served his prison sentence. He also  
12      agrees to permanently forfeit any law enforcement and  
13      correctional officer certifications.

14              Going on to page 17, paragraph 15, it's entitled  
15      Disclosure of Assets. The defendant is -- will fully and  
16      completely disclose to our office, the United States  
17      Attorney's Office, the existence and location of any assets  
18      over which he has either direct or indirect control, and  
19      there are a number of provisions with regard to that  
20      disclosure process.

21              Paragraph 16 is entitled Waivers of Appeal and  
22      Collateral Attack. The defendant is waiving his right to  
23      appeal any non-jurisdictional issues, including his  
24      sentence, so long as the sentence is consistent with those  
25      subparagraphs in paragraph 10. He's also waiving the right

1 to petition pursuant to 28 U.S.C. 2255, aside from a narrow  
2 set of circumstances.

3 Paragraph 17 is entitled FOIA Requests and that  
4 the defendant is waiving rights to obtain, directly or  
5 indirectly, information about the investigation and  
6 prosecution of this case pursuant to FOIA.

7 And, finally, Your Honor, paragraph 18 is entitled  
8 Complete Agreement, that this is the entire agreement and  
9 understanding between the United States and the defendant.

10 As to your query, Your Honor, I believe that we  
11 have a signed copy of the documents.

12 THE COURT: Okay. And may we have a fully  
13 executed copy submitted to the court?

14 MR. NELSON: Your Honor, my client is signing it  
15 now.

16 THE COURT: Okay. Mr. Chauvin, while you have the  
17 document in hand and have just executed it -- I think I saw  
18 you sign it -- have you had an opportunity to review this  
19 document with your lawyer, Mr. Nelson, just literally  
20 paragraph by paragraph?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: Do you understand all the terms and  
23 conditions of this plea agreement?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: Have you voluntarily entered into this

1 plea agreement?

2 THE DEFENDANT: Yes.

3 THE COURT: And this is your signature that has  
4 now been placed on the document?

5 THE DEFENDANT: Yes, it is.

6 THE COURT: With that, the court will receive it.

7 MR. NELSON: May I approach, Your Honor?

8 THE COURT: You may.

9 (Document is presented)

10 THE COURT: May the record reflect that the court  
11 is in receipt of the fully-executed document sworn on behalf  
12 of the parties and place the same on file.

13 Now, Mr. Chauvin, there has been filed with the  
14 court an information as to this second matter, and you have  
15 the right to have that information read here in open court  
16 or you may -- and I anticipate you have read the document,  
17 but you may waive the reading of the information or you may  
18 require the reading of the information. Which do you  
19 prefer?

20 THE DEFENDANT: I'll waive it at this time, Your  
21 Honor.

22 THE COURT: Okay. There's a waiver of the reading  
23 of the information and that is placed on file.

24 And then, Mr. Chauvin, you also have a right to  
25 have that matter of the information in the case numbered

1       108 [sic] go to a grand jury, a group of 23 people, a quorum  
2       of which must be present, the majority of which must vote  
3       probable cause to believe a crime has been committed and  
4       that you have committed that crime. By the same token, you  
5       do have the right to waive the grand jury and have the  
6       matter go forward without the indictment.

7               Do you request it go to the grand jury or do you  
8       waive the grand jury?

9               THE DEFENDANT: I waive it, Your Honor.

10              THE COURT: And again, counsel, I hope that you  
11       have in your possession a waiver of indictment form. If you  
12       do not, I have one in my hand I can give to you.

13              MR. NELSON: We have, and it has been executed,  
14       Your Honor.

15              THE COURT: Okay. Again, if that could be filed  
16       with the court, please.

17              MR. NELSON: May I approach?

18              THE COURT: You may.

19              (Document is presented)

20              THE COURT: May the record reflect that the waiver  
21       of indictment has been received and is on file.

22              Now, Mr. Chauvin, at this point I'm going to start  
23       to ask you a lot of questions. You might have thought you  
24       just came here to simply enter a plea, but there's a little  
25       more to it than that.

1           Let's start with this. First of all, you  
2           understand if you didn't have this plea agreement, you'd be  
3           looking at up to life imprisonment in this matter, to be  
4           followed by a term of supervised release of up to five  
5           years, a fine of up to \$250,000. You could be charged with  
6           the costs of prosecution, costs of imprisonment, costs of  
7           supervision. And, finally, you will be assessed an  
8           assessment of \$100 as to File Number 108. Do you understand  
9           that?

10           THE DEFENDANT: Yes, Your Honor.

11           THE COURT: And then as to File 109 -- and,  
12           incidentally, I think I stated the wrong number on the  
13           previous matter, but we can correct that.

14           As to matter 109, there you are facing up to ten  
15           years of imprisonment, supervised release of up to three  
16           years, fine of up to \$250,000, costs of prosecution, costs  
17           of imprisonment, costs of supervision, and a special  
18           assessment in the sum of \$100. Do you understand that?

19           THE DEFENDANT: Yes, Your Honor.

20           THE COURT: In addition to that, there's a  
21           complete maximum penalty involved here of life imprisonment,  
22           supervised release of up to five years, fine of up to  
23           \$500,000, costs of prosecution, costs of imprisonment, costs  
24           of supervision, and a special assessment of up to \$200. You  
25           realize you face all of those things but for the plea



1 agreement?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: Now, Mr. Chauvin, aside from what's  
4 contained specifically in the plea agreement, have there  
5 been any other promises made as to what the court would do  
6 at sentencing? In other words, are there any side deals of  
7 any kind?

8 THE DEFENDANT: Not to my knowledge.

9 THE COURT: Do you understand you need not accept  
10 this plea unless I'm satisfied of two things: one, that you  
11 are guilty and, two, that you fully understand your  
12 constitutional rights; do you understand that?

13 THE DEFENDANT: Yes, Your Honor.

14 MR. SLAUGHTER: I apologize, Your Honor. I don't  
15 know. I might have missed it. Do we need to have  
16 Mr. Chauvin sworn?

17 THE COURT: He was sworn at the very beginning.

18 MR. SLAUGHTER: I apologize, Your Honor.

19 THE COURT: I think swearing once counts. That's  
20 good enough.

21 Now, first, I'm going to go over these  
22 constitutional rights. And to a major degree, Mr. Chauvin,  
23 this is going to sound as though you were going to go to  
24 trial, because that's what we're really discussing here, the  
25 things that you have a right to have here in a court in

1 America.

2 First of all, do you understand you have a right  
3 to be represented by a lawyer at every stage of the  
4 proceeding? If you cannot afford a lawyer, a lawyer will be  
5 appointed on your behalf. Do you understand that?

6 THE DEFENDANT: Yes.

7 THE COURT: You also understand you have a right  
8 to plead not guilty, persist in that plea of not guilty,  
9 have your case go forward to trial?

10 THE DEFENDANT: Yes.

11 THE COURT: Further understand that you have a  
12 right to a speedy trial? I kind of smile at this. It's  
13 within 70 days of your indictment, and obviously since May  
14 there's more than 70 days have gone by, but because of the  
15 complex nature of it and so forth, that speedy trial thing  
16 gets a lot of exceptions. But, anyway, you are entitled to  
17 a speedy trial. Do you know that?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: Okay. Further -- and I guess I should  
20 also say that's one of the reasons I'm sure we're here,  
21 because very shortly that speedy trial time would run.

22 Do you also understand you have a right to trial  
23 by a jury of 12 persons that must unanimously agree that you  
24 are guilty before you can be convicted; do you understand  
25 that?

1 THE DEFENDANT: Yes.

2 THE COURT: And you also understand that at a  
3 trial you have the right to assistance of counsel, that  
4 Mr. Nelson can be with you at all times during a trial?

5 THE DEFENDANT: Yes.

6 THE COURT: Further understand that at that trial  
7 you would have the right to confront, to cross-examine any  
8 witnesses called against you?

9 THE DEFENDANT: Yes.

10 THE COURT: You also understand that you're, in  
11 fact, presumed innocent until actually proven guilty?

12 THE DEFENDANT: Yes.

13 THE COURT: You also understand that the  
14 government must prove its case against you beyond a  
15 reasonable doubt?

16 THE DEFENDANT: Yes.

17 THE COURT: Further understand that at a trial you  
18 would have a right to take the witness stand, testify and  
19 tell your side of the story; do you understand that?

20 THE DEFENDANT: Yes.

21 THE COURT: You also understand that you cannot be  
22 compelled to incriminate yourself, you have an absolute  
23 right to remain silent? And after you talked it over with  
24 Mr. Nelson, if you decided not to testify, then  
25 Mr. Slaughter or whoever is prosecuting the case would be

1 prohibited from commenting to the jury about your failure to  
2 testify. Do you understand all of that?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: You also understand that at a trial  
5 you would have a right to a compulsory process to -- or  
6 subpoena power to bring any witnesses in on your own behalf?

7 THE DEFENDANT: Yes.

8 THE COURT: Now, Mr. Chauvin, you understand that  
9 if this plea is accepted, as to the guilt phase of this  
10 there will be no trial of any kind; do you understand that?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: You further understand that as to  
13 anything involving the guilt phase, there is unequivocally  
14 no right to appeal anything to a higher court; do you  
15 understand that?

16 THE DEFENDANT: Yes.

17 THE COURT: This is the end of it.

18 You also understand that there is only a very,  
19 very slight right to appeal and, quite honestly, I don't  
20 know how you would get it, but there is a slight right to  
21 appeal that could have to do with this sentencing guideline  
22 business and if I make a mistake in the guidelines or  
23 something, a sentence above the guidelines, out of reason,  
24 something like that, you might have a right to appeal, but  
25 it's an extremely limited right. Do you understand that?

1 THE DEFENDANT: Yes.

2 THE COURT: And, further, if you ever were going  
3 to take such an appeal, you have to give notice of that  
4 appeal within 14 days of the date of your sentencing. Do  
5 you understand that?

6 THE DEFENDANT: Yes.

7 THE COURT: Now, we've gone over a whole series of  
8 rights. Do you have any questions about any of them?

9 THE DEFENDANT: Not at this time, Your Honor.

10 THE COURT: Do you understand them?

11 THE DEFENDANT: Yes.

12 THE COURT: And do you waive these rights?

13 THE DEFENDANT: Yes.

14 THE COURT: Now, again, have there been any force  
15 or threats or promises made apart from this plea agreement  
16 itself?

17 THE DEFENDANT: No, Your Honor.

18 THE COURT: Have you had any drugs or alcohol in  
19 the last 24 hours?

20 THE DEFENDANT: No, Your Honor.

21 THE COURT: Have you had sufficient time to confer  
22 with your lawyer, Mr. Nelson?

23 THE DEFENDANT: I have, Your Honor.

24 THE COURT: And are you satisfied with his  
25 representation? Has he done a good job for you?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: Okay. Now we finally get down to why  
3 we are here.

4 First of all, as to File Number 108, how do you  
5 plead, guilty or not guilty?

6 THE DEFENDANT: At this time guilty, Your Honor.

7 THE COURT: And as to File 109, how do you plead,  
8 guilty or not guilty?

9 THE DEFENDANT: Guilty, Your Honor.

10 MR. NELSON: Your Honor, I believe that was an  
11 information that was added into 108.

12 MR. SLAUGHTER: Yes, Your Honor.

13 THE COURT: Yes, that is the information.

14 MR. NELSON: Okay.

15 THE COURT: And I stand corrected how we state  
16 that. As to the information, how do you plead, guilty or  
17 not guilty?

18 THE DEFENDANT: Guilty, Your Honor.

19 THE COURT: Okay. Thank you.

20 With that, Mr. Slaughter, you know more about what  
21 happened than I. Do you want to cover the essential  
22 elements of the pleas?

23 MR. SLAUGHTER: Certainly, Your Honor. My  
24 assumption is you don't want us to go through the entire  
25 seven pages of the fact basis?

1 THE COURT: No, I don't think so. I think as long  
2 as we cover the essential elements, that's all that's  
3 necessary.

4 MR. SLAUGHTER: Understood.

5 With that, Mr. Chauvin, I presume you have a copy  
6 of this document? I know that we've already discussed it  
7 and His Honor has asked you about the various contents of  
8 the agreement itself, correct?

9 THE DEFENDANT: Correct.

10 MR. SLAUGHTER: I'm just going to ask you a series  
11 of questions, mainly out of the first paragraph, for each  
12 one of the respective offense conducts. Understood?

13 THE DEFENDANT: Yes.

14 MR. SLAUGHTER: All right. As to page 2,  
15 paragraph 2(a), we have identified in U.S. versus Chauvin,  
16 the indictment, you would agree that on or about May 25,  
17 2020, in the State and District of Minnesota, you, while  
18 acting under color of law and while aided and abetted by  
19 other officers, willfully deprived George Perry Floyd, Jr.  
20 of his constitutional rights, correct?

21 THE DEFENDANT: Correct.

22 MR. SLAUGHTER: Specifically the right to be free  
23 from unreasonable seizure, which includes the right to be  
24 free from the use of unreasonable force by a police officer,  
25 correct?

1 THE DEFENDANT: Correct.

2 MR. SLAUGHTER: You held your knee -- and I'm just  
3 going along in that language there -- you held your knee,  
4 your left knee, across Mr. Floyd's neck, back, and shoulder  
5 and your right knee across Mr. Floyd's back and arm,  
6 correct?

7 THE DEFENDANT: Correct.

8 MR. SLAUGHTER: Now, as Mr. Floyd lay on the  
9 ground, handcuffed and unresisting, you kept your knees on  
10 Mr. Floyd's neck and body even after Mr. Floyd became  
11 unresponsive, correct?

12 THE DEFENDANT: Correct.

13 MR. SLAUGHTER: You would agree that this offense  
14 resulted in bodily injury to and the death of George Floyd,  
15 correct?

16 THE DEFENDANT: Correct.

17 MR. SLAUGHTER: And to be clear, this -- I know we  
18 say -- this happened in Minneapolis, the City of Minneapolis  
19 in the District of Minnesota, correct?

20 THE DEFENDANT: Correct.

21 MR. SLAUGHTER: I'll direct your attention, sir,  
22 to page 6. We have paragraph sub (b). And in that we've  
23 entitled it United States versus Chauvin, the information,  
24 regarding events that happened in September 2017. You are  
25 familiar with those paragraphs as well?



1 THE DEFENDANT: Yes.

2 MR. SLAUGHTER: Now, again, I'm going to ask you  
3 questions from that very first paragraph. You would agree  
4 that on or about September 4, 2017, in the State and  
5 District of Minnesota, you, while acting under color of law,  
6 willfully deprived Juvenile 1 of his constitutional rights,  
7 correct?

8 THE DEFENDANT: Correct.

9 MR. SLAUGHTER: Specifically the right to be free  
10 from unreasonable seizure, which includes the right to be  
11 free from the use of unreasonable force by a police officer,  
12 correct?

13 THE DEFENDANT: Correct.

14 MR. SLAUGHTER: Now, first, you, without legal  
15 justification, held Juvenile 1 by the throat and struck  
16 Juvenile 1 multiple times in the head with a dangerous  
17 weapon, correct?

18 THE DEFENDANT: Correct.

19 MR. SLAUGHTER: And that resulted in bodily injury  
20 to Juvenile 1, correct?

21 THE DEFENDANT: Correct.

22 MR. SLAUGHTER: Now, second, you held your knee on  
23 the neck, shoulders, and upper back of Juvenile 1, even  
24 after Juvenile 1 was lying prone, handcuffed, and  
25 unresisting, also resulting in bodily injury to Juvenile 1,

1 correct?

2 THE DEFENDANT: Correct.

3 MR. SLAUGHTER: One moment, please, Your Honor.

4 THE COURT: Thank you.

5 Counsel and Mr. Chauvin, based upon the testimony  
6 presented, the court will conditionally receive the guilty  
7 plea pursuant to 11(c)(1)(C).

8 I am at this time ordering a presentence  
9 investigation report.

10 Mr. Smith of the probation office is sitting here  
11 in the jury box, and I would order that you and your lawyer  
12 meet with the probation office within the next week to get  
13 started on that presentence report.

14 The court will not make final determinations with  
15 respect to the plea agreement until I've had opportunity to  
16 fully review the presentence report that will then be  
17 completed, because, literally, pursuant to this plea  
18 agreement, within a certain range the court's hands are tied  
19 and I need to know what I'm doing when I deal with this.

20 I would at this time ask Mr. Nelson and  
21 Mr. Chauvin -- I anticipate there is a presentence report  
22 from Hennepin County from a prior proceeding, and I would  
23 suggest that you might authorize Mr. Smith to get that and  
24 save a lot of time in putting a presentence report together.  
25 And so if we could have that assurance, I would appreciate

1 it.

2 MR. NELSON: We will, Your Honor.

3 THE COURT: Okay. And with that, also, the court  
4 would then order that, in the original proceeding, that the  
5 other defendants be severed from Mr. Chauvin so that that  
6 other proceeding can and will go forward to its natural  
7 process.

8 MR. SLAUGHTER: Your Honor, if I may?

9 THE COURT: Yeah.

10 MR. SLAUGHTER: I apologize, Your Honor. I got  
11 interrupted when I was doing the fact basis, but I had one  
12 additional question I just wanted to ask Mr. Chauvin with  
13 regard to the fact basis.

14 THE COURT: Please do.

15 MR. SLAUGHTER: I know His Honor asked about the  
16 various language in the plea agreement. Mr. Chauvin, you  
17 agree that the facts that we put into the plea agreement,  
18 all of them, line by line, and we didn't go through all of  
19 them, but you agree with all of those facts, correct, sir?

20 THE DEFENDANT: Correct.

21 THE COURT: Okay.

22 MR. SLAUGHTER: Thank you, Your Honor.

23 THE COURT: Very well. Thank you. I think that's  
24 good to do.

25 Okay. Is there anything further to come to our

1 attention this morning?

2 MR. NELSON: Nothing from the defense, Your Honor.

3 MR. SLAUGHTER: Nothing from the government, Your  
4 Honor.

5 THE COURT: Okay. With that, the court would  
6 order that Mr. Chauvin continue to be held without bond.

7 And when the presentence report has been  
8 completed, you will have an opportunity to review it, make  
9 both oral and written comments about it, potentially have an  
10 evidentiary hearing.

11 And then at the conclusion of all that, final  
12 determinations will be made with respect to acceptance of  
13 the -- final acceptance of the plea and, if so, move forward  
14 for sentencing.

15 Anything else to come to our attention?

16 MR. SLAUGHTER: Nothing from the government, Your  
17 Honor.

18 THE COURT: Okay. Thank you very much. Thank you  
19 for being with us this morning.

20 (Court adjourned at 9:32 a.m., 12-15-2021.)

21 \* \* \*

22 I, Renee A. Rogge, certify that the foregoing is a  
23 correct transcript from the record of proceedings in the  
24 above-entitled matter.

25 Certified by: /s/Renee A. Rogge  
Renee A. Rogge, RMR-CRR